

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138034/FO/2023

Date registered valid: 2 October 2023

Proposal: Basement conversion to form 2 no. self-contained flats, together with external alterations to form a total of 5 self-contained apartments (Use Class C3) with associated refuse, landscaping, parking and cycle storage.

Address: 8 Deerpark Road, Manchester, M16 8FR

Ward(s): Whalley Range Ward

Applicant: Mian Properties

Agent (if any): Mr Tim Cropper, Mialex

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 23 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 13 October 2023

Standard consultations: Printed: 11 October 2023 Expired: 1 November 2023

Neighbour notifications: Printed: 11 October 2023 Expired: 1 November 2023

Site notice: Posted: 13 October 2023 Expired: 03 November 2023

Press advert: Published: 17 October 2023 Expired: 31 October 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Not applicable

The application relates to a three-storey semi-detached property of redbrick and grey slate, positioned on the northern side of Deerpark Road. The property currently houses two self-contained flats, one at first floor and one at second floor level, as well as a small three-bed HMO at ground floor level. Its basement space is currently utilised for storage purposes only. The property features timber-framed windows, including a two-storey bay to the front, a driveway space and modest front garden, bordered by a low-level stone brick wall with original gateposts, and a detached outbuilding situated within a spacious rear garden.



Figure 1. Front view.



Figure 2. Front of property.



Figure 3. Rear view.



Figure 4. Rear of property.



Figure 5. Side of property.



Figure 6. Rear garden / amenity space.



Figure 7. Rear garden / amenity space.

Description of area

Deerpark road is a residential street situated within the Whalley Range ward of Manchester, close to Alexandra Park, St Bede's College, and Princess Road (A5103). The area is predominantly residential in terms of its character, consisting of a mixture of detached and semi-detached residential properties as well as apartment complexes and benefits from its proximity to public outdoor amenity and green spaces.

It should also be noted that the application property is sited in the northern outskirts of the Whalley Range Conservation Area (first designated in October 1991). The conservation area is situated approximately two miles south of Manchester city centre. Much of the area, which is primarily residential, is contained within 63 acres of flat land purchased for building in 1832 by a prominent banker, Samuel Brooks, for a sum of £9,600. The layout of Whalley Range as established by Samuel Brooks survives today as an area of large houses on tree-lined avenues. Many of the original houses remain, with new development taking place on the site of demolished houses and on the site of plots left vacant during the initial stages of the area's development.

Development control in Whalley Range is aimed at encouraging the area to flourish whilst paying attention to its special architectural and visual qualities. Owners of property in the area are encouraged to retain the original character and detail of their houses or premises.

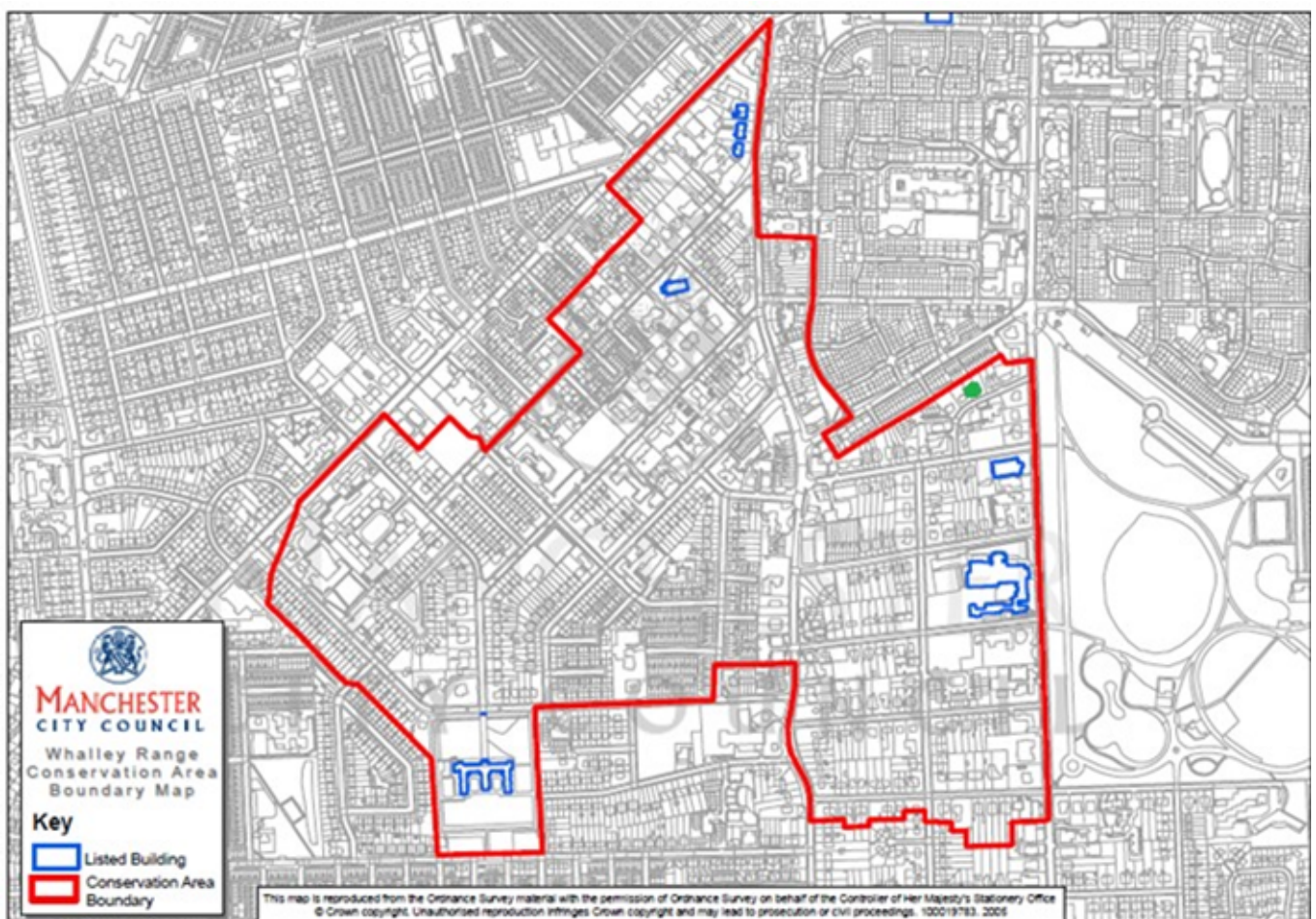


Figure 8. Map of Whalley Range Conservation Area, with approximate location of application site annotated in green.

Description of development

The applicant is seeking permission for a basement conversion to form 2 no. self-contained flats, together with external alterations to form a total of 5 self-contained apartments (Use Class C3) with associated refuse, landscaping, parking, and cycle storage.

Planning History

022605 - Conversion of dwellinghouse into three self-contained flats – **APPROVED** (11.10.1984).

136419/FO/2023 - Basement conversion to form 2no flats, internal remodelling and changes proposed to external elevation to form a total of 5 apartments – **WITHDRAWN** (22.06.2023).

Consultations & Notification Responses

One local resident submitted the following comments in response to the application:

- Concerns relating to the height of the property and the number of floors it will feature.

Whalley Range Conservation Area Group – no comments or objections received.

Whalley Range Forum – no comments or objections received.

Cadent Gas made no objection to the proposal, requesting that an informative note be attached to the decision notice.

Environmental Health made no objection to the proposal, requesting a number of conditions be attached to the decision notice including conditions relating to: construction hours, residential sound insulation and overheating (NSE4(b), external plant/equipment/servicing (NSE6), the storage and disposal of refuse (REF), air quality (2), and contaminated land (CLAND01).

Highways made the following comments in response to the application:

- “The proposal is resultant in the addition of 2 flats, which will increase the number of flats within the overall building to 5.
- The associated external alterations will be contained within the site boundary and will not impinge upon the adopted highway, this is acceptable to Highways.
- It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.
- Highways note that there is limited off-street parking and therefore on-street parking demands are present.
- Further information is sought to fully understand the proposed car parking and how the spaces will be managed. The applicant should verify that the length of the driveway is sufficient so that a vehicle does not overhang on the footway, each driveway space should provide a minimum of 3.0m x 6.0m in line with MCCs standard minimum dimensions.
- The vehicular and pedestrian access/egress point will remain as existing from Deerpark Road, this is acceptable to Highways.
- Adequate cycle parking is being provided on site. Highways request that this is sheltered and secure.

- It is noted that the existing waste and servicing arrangements will continue which is acceptable to Highways.
- The applicant should be advised that all fencing / railings adjacent to the adopted highway should be visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.
- The applicant should be advised that all gated accesses/doors (except fire doors) will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.
- Should there be any basement excavations proposed adjacent to the highway structural drawings and calculations for the temporary and permanent support works must be submitted for checking (for a fee) to MCC Bridges/Structures Section. The applicant is advised to contact highways.structures@manchester.gov.uk.
- Detail should be sought from the applicant in relation to any proposed construction or fitout arrangements, where there is an impact on the highway.
- The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email --highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk"

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC5 – Flat Conversions
- Policy DC18 – Conservation Areas

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy T2 – Accessible Areas of Opportunity and Need
- Policy H1 – Overall Housing Provision
- Policy H6 – South Manchester
- Policy EN3 – Heritage
- Policy EN19 – Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 2 – Achieving Sustainable Development
- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 - Conserving and Enhancing the Historic Environment

Manchester - Residential Quality Guidance, 2017

- Appendix - Manchester’s Emerging Space Standards

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester’s development plan.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council’s Executive agreed the Main Modification on 4 October 2023 and endorsed an 8-week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

For reasons to be outlined below, it is considered that the proposal conflicts with the principles of these policy documents.

Issues

Principle – the principle of allowing flat conversions within residential areas, particularly in contexts whereby a large, old, difficult to re-use property is implicated, is generally acceptable where there is no overriding unduly harmful impact upon either the character and use of the property or upon the visual and residential amenity of neighbouring occupiers.

In this instance however, the principle of the proposal is considered unacceptable as it is believed that there are factors of sufficient weight in terms of over-intensifying the use of the site as well as the detrimental impacts it would have upon amenity that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with saved policy DC5 of the UDP and policies DM1, SP1, H1, and H6 of the Core Strategy.



Figure 9. Submitted proposed site plan.

Standard of accommodation – the proposed 1-bedroom / 1-person basement apartments each scale at 39 square metres, which is in line with the relevant Council policy outlined in the Manchester Residential Quality Guidance, which stipulates that 1-bedroom dwellings for 1 person should provide a minimum of 37-39 square metres of living space.

The proposed 2-bedroom / 4-person ground floor apartment scales at 78 square metres, which is in line with the relevant Council policy outlined in the Manchester Residential Quality Guidance, which stipulates that 2-bedroom dwellings for 4 persons should provide a minimum of 70 square metres of living space.

The proposed 2-bedroom / 3-person first-floor apartment scales at 67 square metres, which is in line with the relevant Council policy outlined in the Manchester Residential Quality Guidance, which stipulates that 2-bedroom dwellings for 3 persons should provide a minimum of 61 square metres of living space.

The proposed 1-bedroom / 2-person second-floor apartment scales at 55 square metres, which is in line with the relevant Council policy outlined in the Manchester Residential Quality Guidance, which stipulates that 1-bedroom dwellings for 2 persons should provide a minimum of 50 square metres of living space.

Additionally, each apartment is considered to have sufficient access to light and airflow as new windows are proposed to the front, side, and rear of the basement apartments, whilst the ground-floor, first-floor, and second-floor apartments are to retain their existing fenestrations. The submitted planning statement also indicates that the property is to feature a 250 square metre communal garden, thereby ensuring that occupants would have access to an appropriately sized outdoor amenity space, in accordance with policy DC5 of the UDP.

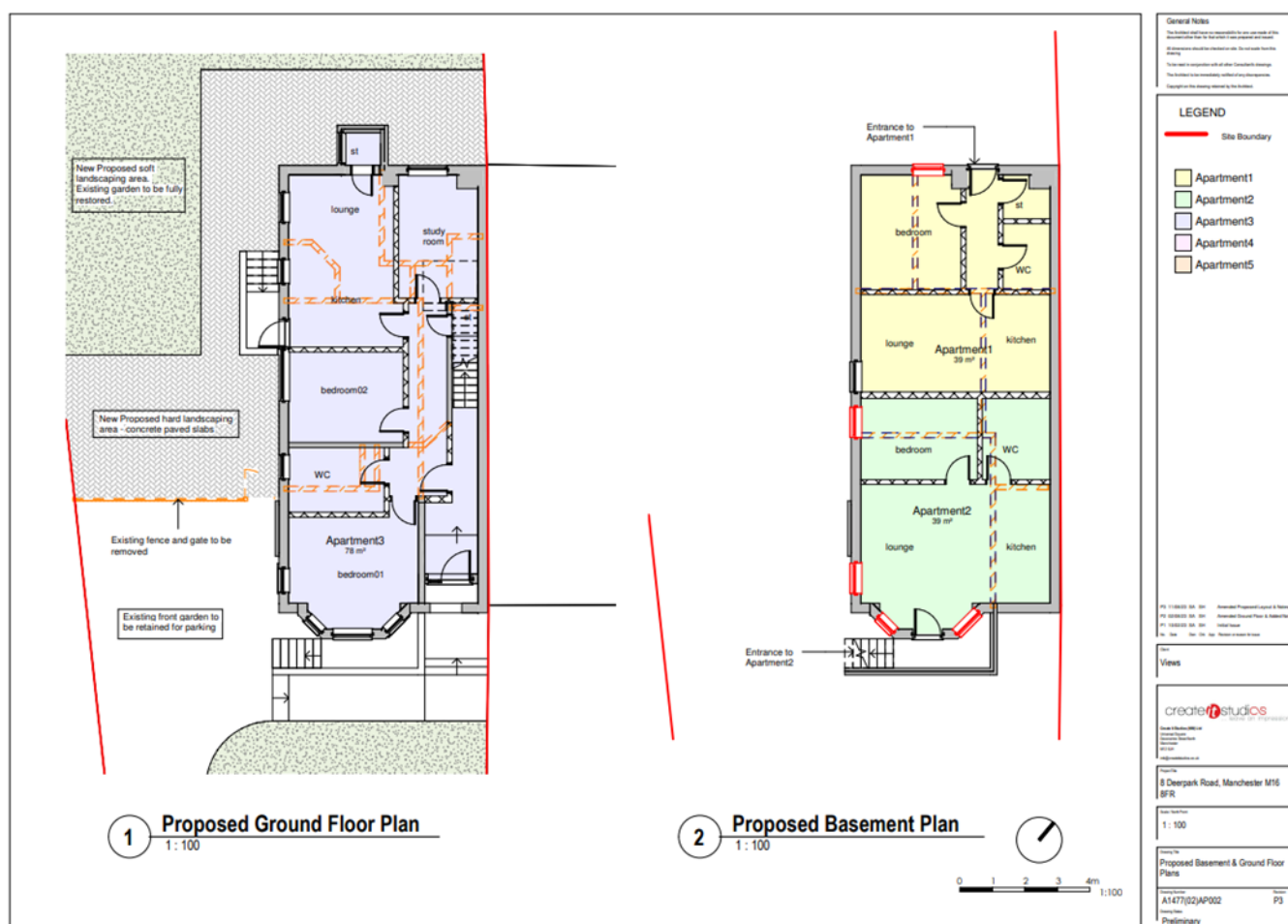


Figure 10. Submitted proposed basement and ground floor plan.

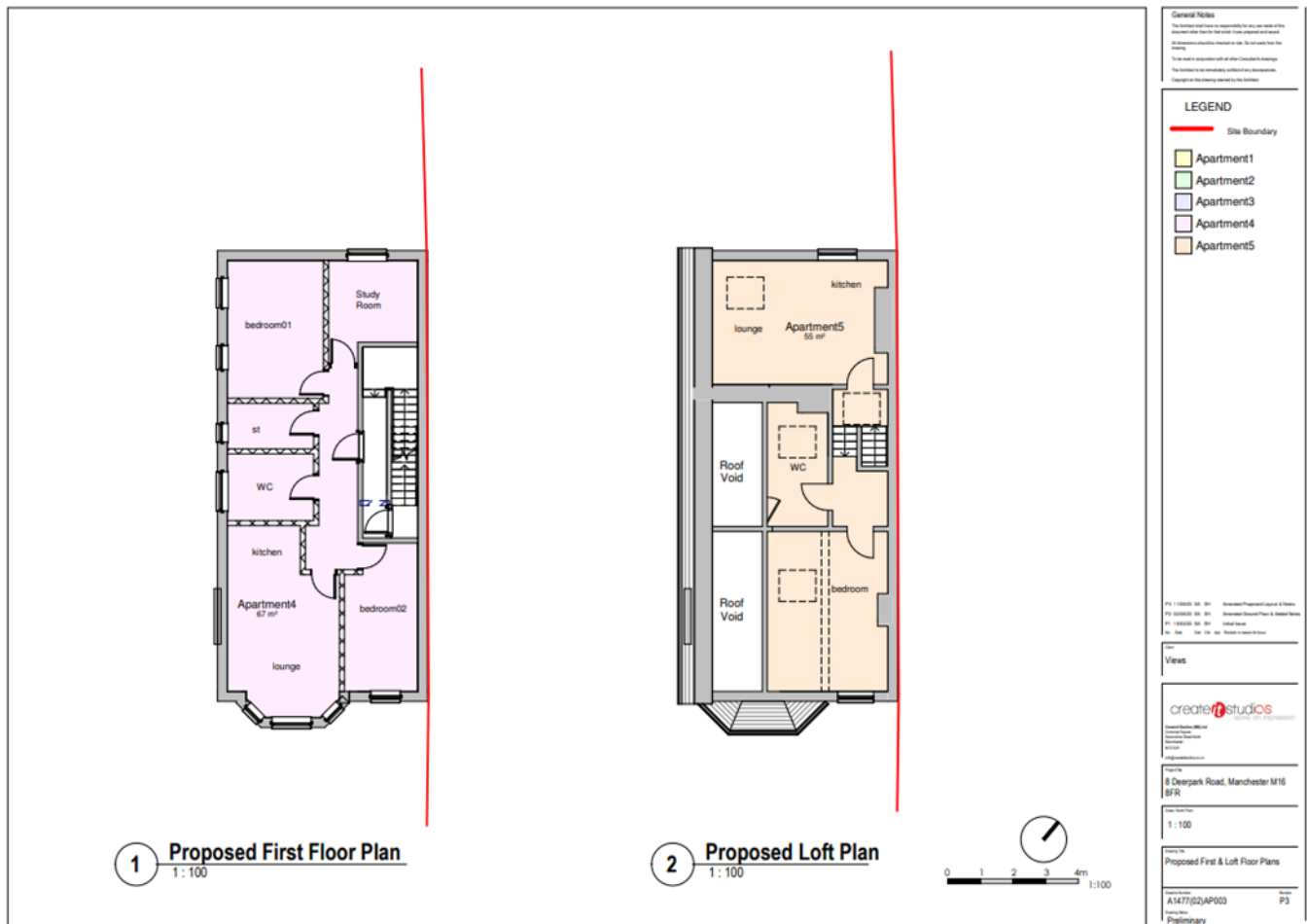


Figure 11. Submitted proposed first floor and loft plan.

Refuse – the submitted information indicates that the proposal would include the installation of a bin store atop of the new hard landscaping area located southwest of the property.

Highways Services noted that they were satisfied that the existing waste and servicing arrangements would continue.

Environmental Health requested a pre-commencement condition relating to the storage and disposal of refuse be attached to the decision notice.

Parking – Highways Services did not object to the proposal as they do not foresee any network capacity concerns. However, Highways have noted that there is limited off-street parking in this area and therefore on-street parking demands are present. Highways also noted that the proposal includes adequate cycle parking provisions for the property.

Despite this, it is likely that the flat occupiers could choose to have access to their own vehicles which would result in at least two more vehicles being parked within this area. It is unclear as to whether the proposed driveway space would be able to accommodate this increase together with those vehicles already associated with the existing flats. Therefore, whilst the car parking demand generated by the proposal may be limited, it is considered likely that the development could result in further parking pressures on Deerpark Road and the surrounding roads to the detriment of the existing and future occupiers of No.8 Deerpark Road as well as the occupiers of other neighbouring dwellings in the surrounding area.

The proposal therefore conflicts with policy DM1 of the Core Strategy and policy DC5 of the UDP.

Visual amenity and impact upon the Whalley Range Conservation Area – the submitted information indicates that the scheme would include a number of ‘general enhancements’ to the application site including:

- “the restoration of the untidy rear garden to provide a high quality, landscaped communal garden for residents. The enhancements to the rear garden will allow include the removal of the dilapidated outbuilding and abandoned vehicle, as well as all building materials and other debris”.
- “removal of the existing solid gate to open up views of the landscaped rear garden from the street scene”.
- “restoration of the original gate posts at the front of the site (Fern and Lea) to accord with guidance set out within the Whalley Range Conservation Area Appraisal”.
- “addition of further soft landscaping adjacent to the front boundary to enhance the relationship between the site and street scene”.
- “general improvements to the external fabric of the building including the replacement of all guttering and soil pipes together with the cleaning and restoration of all brickwork”.
- “provision of a secure, covered store for bicycles within the rear garden and dedicated refuse provision to the side elevation to remove visual clutter”.

It should be noted that, whilst these ‘enhancements’ would undoubtedly improve the overall appearance of the property and its relationship to the street scene and public realm, they are able to be undertaken without the need for an application for planning permission and, as such, do not hold sufficient weight so as to off-set the harmful impacts that the over-intensification of the site would have upon its occupiers as well as neighbouring residents in terms of amenity.

Intensity – the proposal would result in the property housing a total of 5 self-contained flats with the capacity to accommodate a total of 11 individuals. It is believed that this increase in the number of potential occupants would generate an unacceptably high-level of activity, which would result in an over-intensification in use of the property, giving rise to additional demands for on-street parking and refuse storage as well as a high volume of comings and goings and associated issues of that activity in terms of noise.

This aspect of the proposal also directly conflicts with policy H6 of the Core Strategy which identifies high density development as only being appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-used schemes. The policy also highlights that housing development outside of these areas should target identified shortfalls, including family housing and provision that meets the needs of elderly people; areas that this proposal does not adequately meet or address.

The proposal is therefore unacceptable in this regard as it conflicts with policy DC5 of the UDP, as well as policies SP1, DM1, H1 and H6 of the Core Strategy

Residential amenity – within the property itself, it is considered that a total of 5 self-contained flats with the capacity to accommodate a total of 11 individuals would give rise to significant issues associated with noise transfer for its occupants. The potential for this is particularly evident in the conflicting internal use layouts of the flats as:

- The proposed bedroom for apartment 1 would be sited immediately below the lounge and kitchen area of apartment 3.
- The lounge and kitchen area for apartment 1 would be part-sited below bedroom 2 of apartment 3.
- The lounge and kitchen area for apartment 2 would be sited immediately below bedroom 1 of apartment 3.

- The lounge and kitchen area for apartment 3 would be sited immediately below bedroom 1 of apartment 4.
- Bedroom 1 for apartment 3 would be sited immediately below the kitchen and lounge area of apartment 4.
- Bedroom 1 for apartment 4 would be sited immediately below the kitchen and lounge area of apartment 5.

It is highly likely that the conflicting use patterns and activities associated with these rooms would result in notable issues for the property's current and future occupiers.

Moreover, outwardly, the additional comings and goings to what is already an intensively occupied property, would detract from the amenity of nearby residents occupying adjacent properties. As such, it is understood that the proposal would not make a positive contribution to the surrounding neighbourhood, nor would it make a positive contribution to the health, safety and wellbeing of residents.

The proposal therefore conflicts with the principles outlined under policy DC5 of the UDP, and policies DM1 and SP1 of the Core Strategy.

Lack of a precedent - the submitted planning statement suggests that No.6 Deerpark Road, Roy Grainger Court, and 'various other properties' within the wider street scene provide a basis from which an existing precedent for residential apartments can be drawn, meaning the proposal would not be out-of-keeping with the general character of the area.

However, it should be noted that the flat conversions listed below are regarded as being historic decisions which pre-date current Council policy, including the Core Strategy, and which do not therefore represent comparable examples which can be used to justify an existing precedent for approvals of this type of application / proposal in this area.

- 036256 – 6 Deerpark Road - Conversion of existing dwellinghouse into seven self-contained flats and two dormer extensions to roof – APPROVED (08.05.1990).
- 022554 – 12 Deerpark Road - Conversion of dwellinghouse into 6 self-contained flats and laying out of a car park at the rear – APPROVED (25.09.2004).
- 067115/FO/SOUTH1/03 – 12 Deerpark Road - Creation of two self-contained flats in basement of house let in 6 self-contained flats – APPROVED (05.02.2004).
- 059108/FO/SOUTH1/00 – 2/4 Deerpark Road - Conversion of 2no. dwellings into 6no. self-contained flats and demolition of detached garage – APPROVED (14.06.2000).
- 019529 – 12 Range Road - Conversion of dwellinghouse into 5 self-contained flats – APPROVED (08.09.1983).
- 32424 – 12 Range Road - Conversion of dwellinghouse into nine self-contained flats – APPROVED (01.12.1988).

Moreover, any arguments for an existing precedent would be outweighed by the over-intensified use and resultant detrimental impact upon amenity that the approval of this application would cause.

Conclusion – on balance, it is considered that the proposal would result in poor living conditions, due to the over-intensification of the site, and would have an adverse impact upon the amenity of the area. The proposed development therefore conflicts with Core Strategy policies SP1, DM1, H1 and H6, as well as policy DC5 of the UDP.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area, nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable, and it is therefore not possible to approve the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposal would generate an unacceptably high level of activity, which would result in an over-intensification in the use of the property, giving rise to additional demands for on-street parking and refuse storage as well as a high volume of comings and goings and noise disturbance to the detriment of the residential amenity of current and future occupiers of the property as well as nearby residents. The proposed development would therefore be contrary to the provision of policies SP1, H1, H5, and DM1 of the Manchester Core Strategy, saved policy DC5 of the Unitary Development Plan for the City of Manchester, the Manchester Residential Quality Guidance, the Guide to Development in Manchester, and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Whalley Range Conservation Area Group
Whalley Range Forum

Flat 6, 6 Deerpark Road, Manchester, M16 8FR
Flat 3, 6 Deerpark Road, Manchester, M16 8FR
Flat D, 8 Deerpark Road, Manchester, M16 8FR
82 Yarburgh Street, Manchester, M16 7EH
76 Yarburgh Street, Manchester, M16 7EH
Flat 1, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 23, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 20, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 18, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 16, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 12A, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 11, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 9, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 6, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 4, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 5, 6 Deerpark Road, Manchester, M16 8FR
Flat 4, 6 Deerpark Road, Manchester, M16 8FR
Flat 2, 6 Deerpark Road, Manchester, M16 8FR
Flat 1, 6 Deerpark Road, Manchester, M16 8FR
Flat C, 8 Deerpark Road, Manchester, M16 8FR
Flat B, 8 Deerpark Road, Manchester, M16 8FR
Flat 24, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 22, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 21, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 19, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 17, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 15, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 14, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 12, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 10, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 8, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 7, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 5, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
Flat 3, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
84 Yarburgh Street, Manchester, M16 7EH
80 Yarburgh Street, Manchester, M16 7EH
78 Yarburgh Street, Manchester, M16 7EH
74 Yarburgh Street, Manchester, M16 7EH
Flat 2, Roy Grainger Court, 11 Deerpark Road, Manchester, M16 8FR
10 Deerpark Road, Manchester, M16 8FR
4 Deerpark Road, Manchester, M16 8FR

Appendix 2 – Planning constraints

Conservation Area - Whalley Range Conservation Area 1992